



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 5th day of September, 1997

Applications of

Alaska Airlines, Inc.

American International Airways, Inc.

Federal Express Corporation

Sun Country Airlines, Inc.

United Air Lines, Inc.

**for certificates of public convenience and necessity
under section 41102 of Title 49 U.S.C. and the orders
and regulations of the Department of Transportation**

**Dockets OST-97-2149
OST-97-2148
OST-96-1530
OST-96-1938
OST-96-1248
OST-96-1873
OST-96-1888
OST-97-2046**

ORDER ISSUING CERTIFICATES

The captioned applicants seek grant, renewal, and/or amendment of certificates of public convenience and necessity under section 41102 of Title 49 of the United States Code. The applications are fully described in the attachments to this order. Because the public convenience and necessity bases for granting these applications are clear, and the applications are not controversial, it is appropriate to use this simplified, Subpart Q procedure to grant the requested authority.¹

¹ 14 CFR 302.1701 et seq. Under Rule 29(b) we may, in our discretion, omit a tentative decision in proceedings under Subpart Q and proceed directly to a final decision.

The applicants have filed and perfected each application as required by 14 CFR 201 and served it as required by 14 CFR 302.1705. Each application was summarized in the Federal Register, as cited in the relevant descriptive attachment, and was also summarized in the Department's published weekly list of applications filed. These notices described the authority sought and gave interested persons an opportunity to submit evidence and objections to the award of the authority. Except as noted in individual attachments, no answers to these applications were filed.

Public Convenience and Necessity

We find that grant or amendment of these certificates is consistent with the public convenience and necessity. Where, as noted, the services authorized are the subject of a bilateral agreement, the certificate is consistent with the agreement and uses rights for which the United States has exchanged valuable operating rights. For authority which is not the subject of a bilateral agreement, the grant is consistent with the overall state of aviation relations between the United States and the foreign countries involved. All of the authority conferred here contributes to the variety of price and service options available to travelers and shippers.

Fitness/Citizenship

Each applicant is a citizen of the United States as defined in 49 U.S.C. 40102(a)(15). Each is an operating certificated air carrier for which the authority at issue here would not constitute a substantial change in operations which would require further review by the Department. No information has come to our attention which leads us to question the fitness of the applicants to conduct air transportation operations. Therefore, on the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we find each applicant is fit, willing and able to provide the services authorized.

Terms, Conditions and Limitations

Each certificate of public convenience and necessity is subject to the standard terms, conditions, and limitations we consistently impose in the public interest. Duration of certificate authority is determined by the nature of the routes at issue. Where routes may be served by multiple U.S. carriers, without restrictions on additional entrants, the certificates are of indefinite duration. Where limited-entry routes are involved, we issue temporary, experimental certificates of five years' duration under 49 U.S.C. 41102(c).² The certificates issued to Federal Express and United are granted for a five-year term; the certificates issued to Alaska, American International, and Sun Country are for an indefinite duration.

² 14 CFR Part 399.120.

In addition, both AIA and United have sought authority to serve new countries by adding them to authority on existing route segments. Our standard conditions on all certificates provide that all operations must be conducted in accordance with all treaties and agreements between the United States and other countries and are expressly subject to compliance with those treaties and agreements and any orders of the Department that are issued under those treaties or agreements. It is implicit in that condition that the ability to serve different points (or countries) on the same segment does not confer upon the holder any additional limited-entry route rights (including fifth-freedom intermediate and/or beyond rights), unless the holder has been specifically authorized by the Department to exercise such rights. Although this is implicit, to avoid any confusion, we will amend the condition to make this clear. We will include it as an amended standard conditions to all U.S. carrier certificates.

Pendente Lite Exemptions

For those services operated under current exemptions, those exemptions will expire in accordance with their own terms 90 days after we submit this order for review under 49 U.S.C. 41307. For those routes operated under expired exemptions and kept in force by 5 U.S.C. 558(c), the exemption renewal applications on file will be dismissed by separate order, upon the effectiveness of the corresponding certificates of public convenience and necessity. The attachments cite the relevant currently held authority.

Findings and Conclusions

In view of the foregoing and all the facts of record, we find and conclude that:

1. It is consistent with the public convenience and necessity to amend or issue each applicant a certificate in the form attached;
2. Each applicant is a citizen of the United States and is fit, willing and able to perform properly the foreign air transportation described in the attached certificate or certificate amendment and to conform to the provisions of Subtitle VII of Title 49, United States Code (Transportation), and to the Department's rules, regulations, and requirements;
3. The public interest requires that the exercise of the privileges granted by the attached certificates and certificate amendments be subject to the terms, conditions and limitations contained in and attached to those certificates and to such others required by the public interest as the Department may prescribe;

4. Except as otherwise noted in the attachments, the issuance of each of these certificates and certificate amendments does not constitute a “major regulatory action” under the Energy, Policy and Conservation Act of 1975, as defined by section 313.4(a)(1) of the Department’s regulations;³ and

5. The public interest does not require an oral evidentiary hearing or a show-cause proceeding on any of these applications. There are no material, determinative issues of fact requiring such procedures for their resolution.

ACCORDINGLY,

1. We amend or issue in the form attached, certificates of public convenience and necessity to the applicants listed in the caption of this order;

2. The certificates and certificate amendments will be effective 30 days after the service date of this order, subject to the extension of those effective dates in accordance with the provision of the certificate amendments;

3. To the extent not granted, dismissed or deferred, we deny all motions and requests in these dockets;

4. We defer action on the applications of United Air Lines, Inc., in Dockets OST-96-1248 and OST-961873 to the extent that it seeks renewal of United’s authority to serve Vietnam.⁴

5. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order shall become effective upon the 61st day after its submission for section 41307 review, or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department’s order under that section, whichever occurs earlier;⁵ and

³ Our finding is based on the fact that grant of each application would not result in a near-term increase in annual fuel consumption in excess of 10 million gallons.

⁴ See Attachment E, page 2 and Attachment F, page 1.

⁵ This order was submitted for section 41307 review on September 5, 1997.

On October 9, 1997, we received notification that the President’s designee, under Executive Order 12597 and implementing regulations, did not intend to disapprove the Department’s order.

6. We will serve this order on the parties to the captioned dockets of this order, the Ambassador in Washington, DC of each country that the applicants seek authority to serve, the U.S. Department of State (Office of Aviation Negotiations), and the Federal Aviation Administration.

By:

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation and
International Affairs

(SEAL)

Alaska Airlines, Inc. .

Certificate of Public Convenience and Necessity

Filed: 2/24/97 **Docket:** OST-97-2149 **Notice:** 62 FR (11512 & 11513) 3/12/97

I. Authority Sought: Scheduled foreign air transportation of persons, property, and mail between any point in the United States and any point in Canada.

II. Relevant Currently Held Authorities: Alaska Airlines holds certificate authority to engage in scheduled foreign air transportation of persons, property, and mail between Los Angeles, California, on the one hand, and Vancouver and Toronto, on the other. (Orders 96-10-30 and 92-6-21). Alaska also holds exemption authority to serve between any point in the United States and any point in Canada (See Order 97-5-6).

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreement between the United States and Canada signed on February 24, 1995.

V. Fitness/Citizenship: Alaska has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property and mail as a certificated carrier under section 41102 Title 49 U.S.C. See, e.g., Order 96-11-25. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulation warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Alaska's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard.

VII. Duration: Indefinite.



**Certificate of Public Convenience and Necessity
for
Route 745**

This Certifies That

Alaska Airlines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

Issued by Order 97-10-8

On September 5, 1997

Effective on November 17, 1997

Charles A. Hunnicutt

**Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

Alaska Airlines, Inc. **Route 745**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between a point or points in the United States, and a point or points in Canada.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the holder has been specifically designated to conduct such services and the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found "fit, willing, and able," and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(9) Except for rights and authorities available or existing prior to February 24, 1995, and operations separately authorized by the Department pursuant to the U.S.-Canada Air Transport Agreement signed February 24, 1995, the holder may not commence new combination air services to Toronto until February 24, 1998.

(10) Any all-cargo services operated under this certificate shall be subject to the following condition:

Points in the territory of Canada shall not be combined on any same plane scheduled or nonscheduled all-cargo courier service operated with aircraft having a maximum takeoff weight greater than 35,000.

(11) In addition to the authority granted on this certificate, the holder may also conduct operations beyond points in Canada to points in third countries that it holds authority to serve, without local traffic rights between points in Canada and such other points in third countries (i.e., on a blind sector basis).

This certificate shall become effective November 17, 1997,
provided, however, that prior to the date on which the certificate would otherwise become

*As issued by
Order 97-10-8
Route 745
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effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate is issued to reflect new authority in the U.S.-Canada market. It also incorporates new standard terms and conditions applicable to U.S. carrier certificates and specific conditions applicable to U.S.-Canada operations.

American International Airways, Inc.

Amendment of Certificate for **Route 677**

Filed: 2/24/97 **Docket:** OST-97-2148 **Notice:** FR 62 (11512 & 11513) 3/12/97

I. Authority Sought: Scheduled foreign air transportation of property and mail between a point or points in the United States and a point or points in Belize, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. AIA seeks award of this authority by amendment of segment 2 of its certificate for Route 677 which currently authorizes service between a point or points in the United States and a point or points in Colombia and Costa Rica. By seeking amendment in this manner AIA effectively seeks to integrate the newly requested services with existing services on segment 2 to Colombia and Costa Rica.

II. Relevant Currently Held Authorities: American International Airways holds certificate authority to engage in scheduled foreign air transportation of property and mail between the United States and Australia, New Zealand, Taiwan, Hong Kong, Costa Rica, and Colombia; and between Miami and the coterminal points Manaus, Sao Paulo, Recife, and Rio de Janeiro, Brazil. (Orders 95-9-23 and 96-6-12).

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreements between the United States, on the one hand, and El Salvador, Guatemala, Honduras, Panama, and Nicaragua, on the other, and the overall state of aviation relations between the United States and Belize. The integration authority granted by including services to these countries on segment 2 is consistent with our policy to permit carriers the maximum operating flexibility possible in operating their international services. Such authority is subject to compliance with the applicable bilateral aviation agreements with the foreign countries involved.

V. Fitness/Citizenship: American International Airways has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of property and mail as a certificated carrier under section 41102 Title 49 U.S.C. See, e.g., Order 96-6-12. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulation warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question American International Airways' fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will amend American International Airways' certificate on segment 2 of Route 677 to reflect additional authority between the United States and Belize, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. As discussed in the text of this order, we have amended the standard certificate condition regarding the requirement that operations be in compliance with all treaties and agreements between the United States and other countries regarding limitations on limited entry authority on segments involving service to more than one country.

VII. Duration: Indefinite.

American International Airways, Inc.

Certificate Amendment for **Route 677**

Amend segment 2 to read as follows:

2. Between a point or points in the United States and a point or points in Costa Rica, Colombia, Belize, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

Amend condition (2) to read as follows:

(2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the holder has been specifically designated to conduct such services and the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.

This certificate amendment shall be effective November 17, 1997, provided, however, that prior to the date on which this certificate would otherwise become effective, the Department, either on its own initiative or on the timely filing of a petition for reconsideration, may by order or orders extend such effective date from time to time.

*This certificate, issued by Order 95-9-23, is amended to reflect award of new authority between the United States and Belize, El Salvador, Guatemala, Honduras, Nicaragua, and Panama on segment 2. It also incorporates revised standard terms and conditions applicable to U.S. carrier certificates.

Federal Express Corporation

Renewal and Amendment of Certificate for **Route 638**

Filed: 7/10/96 **Docket:** OST-96-1530 **Notice:** 61 FR (37788) 7/19/96

I. Authority Sought: (1) Renew certificate authority to provide scheduled foreign air transportation of property and mail between New York, New York, and Beijing, China, and (2) amend certificate to include U.S.-China authority currently authorized by exemption, and (3) amend certificate to authorize U.S.-China operations via intermediate points and beyond China to points in third countries. Federal Express proposes service via Tokyo and Seoul and beyond to Subic Bay, the Philippines.

II. Relevant Currently Held Authorities: Federal Express holds certificate authority on Route 638 to provide scheduled foreign air transportation of property and mail in the New York-Beijing market. Order 95-8-9. Under the terms of the certificate, Federal Express' authority expired on January 11, 1997. Federal Express filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its renewal application. Federal Express also holds exemption authority to integrate its China certificate authority on Route 638 with its other certificate authority so as to permit flexibility to provide round-the-world service. Order 96-4-20.

Federal Express also holds exemption authority to serve the following U.S.-China markets: (1) beyond Beijing to all points in the People's Republic of China open to scheduled international operations in conjunction with its New York-Beijing operations authorized on Route 638, and to return from such points to New York either directly or via Beijing; (2) between Los Angeles, California, and Beijing/Shanghai as an additional U.S.-China route, and (3) between the coterminal points Chicago, Illinois; Columbus, Ohio; Los Angeles and San Francisco, California; Seattle, Washington; Anchorage and Fairbanks, Alaska; and New York, New York; and the coterminal points Guangzhou and Shanghai, China, and to integrate this authority with its other existing U.S.-China certificate and exemption authority. In addition, Federal Express is authorized to add Chicago, Columbus, Los Angeles, San Francisco, and Anchorage as intermediate points on its New York-Beijing and beyond authority. (See Order 97-1-13). Federal Express has been allocated four weekly frequencies for its U.S.-China services (See Order 97-1-13).

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority granted is consistent with the aviation agreement between the United States and China, between the United States and Japan, between the United States and Korea, and between the United States and the Philippines. However, it is not our standard practice to award certificate authority via open intermediate and beyond points. Therefore, we have granted Federal Express intermediate and beyond authority as set forth in its service proposal in its application. That authority is consistent with the aviation agreement between the United States and Japan, between the United States and Korea, and between the United States and the Philippines.

V. Fitness/Citizenship: Federal Express has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of property and mail as a certificated carrier under section 41102 Title 49 U.S.C. See, e.g., Order 95-6-26. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Federal Express' fitness to conduct the air transportation operations authorized here.

VI. Fuel: Federal Express has forecast that the proposed operations to China will consume 23,329,904 gallons of fuel annually. We find that the additional service to be provided under this authority and the resulting public benefits outweigh any adverse effects that may be caused by the increased fuel consumption.

VII. Terms, Conditions and Limitations: Standard. We will reissue Federal Express' certificate for Route 638 to incorporate the U.S. and China coterminal points currently authorized by exemption, as well as named intermediate and beyond points, and to reflect renewal of the New York-Beijing authority for an additional five years.

VIII. Duration: Five years. Section 41102(c).



**Experimental Certificate
of Public Convenience and Necessity
for
Route 638
(as reissued)**

This Certifies That

Federal Express Corporation

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of property and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

Issued by Order 97-10-8

On September 5, 1997

Effective on November 17, 1997

Charles A. Hunnicutt

**Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

Federal Express Corporation for **Route 638**

is authorized to engage in scheduled foreign air transportation of property and mail:

Between the coterminal points New York, New York; Chicago, Illinois; Columbus, Ohio; Los Angeles, California; San Francisco, California; Seattle, Washington; Anchorage, Alaska; and Fairbanks, Alaska; via the intermediate points Tokyo, Japan, and Seoul, Korea; and the coterminal points Beijing, Guangzhou and Shanghai, China, and all points in China open to scheduled international operations, and beyond to Subic Bay, the Philippines.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder is not authorized to carry passengers (other than cargo attendants accompanying the freight shipments).
- (3) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the holder has been specifically designated to conduct such services and the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (4) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.

(5) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for this authority.

(6) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).

(7) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(8) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(9) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(10) In the event that the holder commences operations for which it was found "fit, willing, and able," and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

This certificate shall become effective November 17, 1997, provided, that prior to the date on which this certificate would otherwise become effective, the Department either on its own initiative or on the timely filing of a petition for reconsideration, may by order or orders extend such effective date from time to time.

It shall expire five years thereafter, unless the Department earlier suspends, modifies or deletes the authority.

*This certificate originally issued by Order 95-8-9, is reissued to reflect renewal of authority for an additional five years, and to add additional U.S. and China coterminal, intermediate, and beyond points. It also incorporates revised standard terms and conditions applicable to U.S. carriers.

Sun Country Airlines, Inc.

Certificate of Public Convenience and Necessity

Filed: 11/12/96 **Docket:** OST-96-1938 **Notice:** 61 FR (60314 & 60315 11/27/96

I. Authority Sought: Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States, and a point or points in Aruba, the Bahamas, Barbados, Dominican Republic, and Jamaica, on the other.

II. Relevant Currently Held Authorities: Sun Country holds certificate authority to engage in scheduled foreign air transportation of persons, property, and mail between a point or points in the United States and a point or points in Norway, Denmark, and Sweden. Order 96-6-42. Sun Country also holds exemption authority to provide scheduled foreign air transportation of persons, property, and mail between Los Angeles, California, on the one hand, and Nassau, the Bahamas; Montego Bay, Jamaica; Aruba; Barbados; and Puerto Plata, Dominican Republic, on the other. (See Order 97-6-7).

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreements between the United States, on the one hand, and the United Kingdom, Barbados, Dominican Republic, and Jamaica, on the other.

V. Fitness/Citizenship: Sun Country has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property and mail as a certificated carrier under section 41102 Title 49 U.S.C. See, e.g., Order 96-6-42. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question Sun Country's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard.

VII. Duration: Indefinite.



**Certificate of Public Convenience and Necessity
for
Route 746**

This Certifies That

Sun Country Airlines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

Issued by Order 97-10-8

On September 5, 1997

Effective on November 17, 1997

Charles A. Hunnicutt

**Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

Sun Country Airlines, Inc. for **Route 746**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between a point or points in the United States, and a point or points in Aruba, the Bahamas, Barbados, Dominican Republic, and Jamaica.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the holder has been specifically designated to conduct such services and the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences operations for which it was found "fit, willing, and able," and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

This certificate shall become effective November 17, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time.

*This certificate is issued to reflect new authority in the U.S.-Aruba/Bahamas/Barbados/Dominican Republic/Jamaica markets. It also incorporates revised standard terms and conditions applicable to U.S. carrier certificates.

United Air Lines, Inc.

Amendment of Certificate for **Route 130**

Filed: 1/9/96 **Docket:** OST-96-1248 **Notice:** 61 FR (17937) 4/23/96

I. Authority Sought: Scheduled foreign air transportation of property and mail between any point or points in the United States and Japan. United seeks this authority by amending segment 6 of its certificate for Route 130 which currently authorizes services between specific U.S. gateways and Japan as well as Hong Kong, the Philippines, Vietnam, Thailand, Malaysia, Singapore, and Indonesia, to make its authority to Japan as well as other points named on the segment effective from any point in the United States rather than specific named gateways. United also seeks to add to segment 6 points beyond Japan named on its other U.S.-Japan route segments on Route 130, *i.e.*, Taiwan, Myanmar, India, Pakistan, and Australia. United also seeks to integrate the authority on the amended segment 6 with its other certificate and exemption authority.

II. Relevant Currently Held Authority: United currently holds certificate authority on segment 6 of Route 130 to operate all-cargo service between named U.S. points (New York, Detroit, Chicago, Seattle, San Francisco and Los Angeles) and Japan, Hong Kong, the Philippines, Vietnam, Thailand, Malaysia, Singapore, and Indonesia. Order 92-3-38. It also holds exemption authority to provide all-cargo service in the Alaska-Manila-Taipei markets, via Japan, (See Order 97-3-35).

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority to operate all-cargo services between all points in the United States and Japan is consistent with the 1996 U.S.-Japan Memorandum of Consultations regarding all-cargo services. Authority to operate all-cargo services between the United States and the other points currently named on segment 6 (except Vietnam) and the additional points proposed by United is consistent with the aviation agreements governing air services between United States, on the one hand, and Korea, Taiwan, Myanmar, India, Pakistan, Australia, Hong Kong, the Philippines, Malaysia, Singapore, Thailand, and Indonesia, on the other.⁶ The United States does not have an aviation agreement with Vietnam. By Order 92-3-38, the Department deferred action on United's request to renew its existing Vietnam authority. We will follow the same policy here with respect

⁶ United's all-cargo services in the Philippine market are limited to services on U.S. Route 2 of the U.S.-Philippine aviation agreement.

to the expanded U.S.-Vietnam authority sought here. The existing authority continues in effect pursuant to the automatic extension provisions of section 558(c) of the Administrative Procedure Act pending Department action on United's renewal application. The authority to integrate the newly requested Japan, Taiwan, Myanmar, India, Pakistan, and Australian services with the existing services on segment 6 is subject to compliance with the aviation agreements with the countries involved.

Grant of the broad route integration authority requested is consistent with our general policy to afford carriers maximum operating flexibility in providing their authorized intermediate services, and is subject to compliance with the aviation agreements with the countries involved. As noted below, we will include a new standard condition regarding route integration involving limited entry countries.

V. Fitness/Citizenship: United has previously been found to be a citizen of the United States and fit, willing and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 97-1-10. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations. Moreover, no information has come to our attention which would lead us to question United's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will amend segment 6 of United's certificate for Route 130 to reflect the newly authorized services except with respect to Vietnam. Consistent with our current policy on Vietnam authority, we will defer action to the extent United's application seeks to amend its Vietnam authority (i.e. for authority between all U.S. points and Vietnam as opposed to specific named U.S. gateways). We will also add a new standard condition concerning route integration authority involving limited entry countries.

VII. Duration: Five years. 49 U.S.C. 41102(c).

United Air Lines, Inc.

Renewal of Certificate for **Route 130**

Filed: 10/16/96 **Docket:** OST-96-1873 **Notice:** 61 FR (55352 & 55353) 10/25/96

I. Authority Sought: Renew certificate authority to provide scheduled foreign air transportation of persons, property, and mail between various points in the United States and Japan, the Philippines, and Vietnam.

II. Relevant Currently Held Authorities: United holds certificate authority on segments 1, 4, 6, 7, and 9 of Route 130 to provide scheduled foreign air transportation of persons, property, and mail on the above routes. Order 92-3-38. Under the terms of the certificate, United's authority on segments 1, 4, 6, and 9 to serve Japan; segments 1, 6, and 7 to serve the Philippines; and segments 1 and 6 to serve Vietnam expired April 17, 1997. United filed a timely application for renewal of its certificate and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), pending action on its renewal application.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested to serve Japan and the Philippines is consistent with the aviation agreements between the United States and Japan, and the United States and the Philippines. Consistent with our standard practice, we will defer action on United's request for renewal to serve Vietnam. (See, e.g., Order 92-3-38.) That authority continues in effect pursuant to the automatic extension provisions of section 558(c) of the Administrative Procedure Act pending Department action on United's renewal application.

V. Fitness/Citizenship: United has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property and mail as a certificated carrier under section 41102 Title 49 U.S.C. See, e.g., Order 97-1-10. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question United's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will reissue United's certificate for Route 130 to reflect renewal of the Japan and Philippines authority for an additional five years.

VII. Duration: Five years. Section 41102(c).

United Air Lines, Inc.

Certificate Amendment for **Route 130**

Amend segment 6 to read as follows:

6. Between a point or points in the United States, on the one hand, and a point or points in Japan, Korea, Taiwan, Hong Kong, the Philippines, Vietnam*, Thailand, Malaysia, Singapore, Indonesia, Myanmar, India, Pakistan, and Australia, on the other hand.

Amend condition (2) to read as follows:

2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the holder has been specifically designated to conduct such services and the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.

Amend condition (12) to read as follows:

(12) Except as noted, authority to serve countries listed below over their corresponding segments shall expire November 17, 2002,

Segments 1, 4, 6 and 9:	Japan
Segments 1, 6, and 7:	Philippines
Segments 1 and 6:	Vietnam*

*Order 92-3-38 defers action on United's request to renew its authority between Vietnam and the then named points on segment 6 (New York, Detroit, Chicago, Seattle, San Francisco, Los Angeles, and Travis Air Force Base.) The deferral will also apply to this certificate amendment. The above authority from named U.S. points continues in force pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on United's renewal application in Docket OST-96-1873 (46960).

Add the following new condition:

() The holder may combine services on this certificate with all services authorized by other Department of Transportation certificates or exemptions, provided, that such operations are consistent with the applicable bilateral aviation agreements; and provided further, that (a) nothing in the award of the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder first notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in the holder's authority by virtue of the route integration authority granted here, but not being used, the holding of such authority by route integration will not be considered as providing any preference for the holder in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

This certificate amendment shall become effective November 17, 1997, provided, however, that prior to the date on which the certificate amendment would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this amendment may by orders or orders extend such effective date from time to time.

*This certificate, issued by Order 92-3-38, is amended to reflect (a) amendment of segment 6 to authorize all-cargo service from any point in the United States to the foreign points named on the segment, and to add Korea, Taiwan, Myanmar, India, Pakistan, and Australia as additional foreign points on the segment, and (b) renewal of Japanese authority on segments 1, 4, 6, and 9, and Philippines authority on segments 1, 6, and 7 for an additional five years. It also incorporates revised standard terms and conditions applicable to U.S. carriers.

United Air Lines, Inc.

Renewal of Certificate for **Route 624**

Filed: 10/22/96 **Docket:** OST-96-1888 **Notice:** 61 FR (56603) 11/1/96

I. Authority Sought: Renew certificate authority to provide scheduled foreign air transportation of persons, property, and mail between Washington, D.C., and Milan and Rome, Italy.

II. Relevant Currently Held Authorities: United holds certificate authority to provide scheduled foreign air transportation of persons, property, and mail on the above route. Order 92-3-48. Under the terms of the certificate, United's authority expired on April 22, 1997. United filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c) pending action on its timely filed renewal application.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreement between the United States and Italy.

V. Fitness/Citizenship: United has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property and mail as a certificated carrier under section 41102 Title 49 U.S.C. See, e.g., Order 97-1-10. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question United's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will reissue United's certificate for Route 624 to reflect renewal of the authority for an additional five years.

VII. Duration: Five years. Section 41102(c).



**Experimental Certificate
of Public Convenience and Necessity
for
Route 624
(as reissued)**

This Certifies That

United Air Lines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 97-10-8
On September 5, 1997
Effective on November 17, 1997**

**Charles A. Hunnicutt
Assistant Secretary for Aviation
and International Affairs**

Terms, Conditions and Limitations

United Air Lines, Inc. for **Route 624**

is authorized to engage in scheduled foreign air transportation of persons, property, and mail:

Between the terminal point Washington, D.C., and the coterminal points Milan and Rome, Italy.

This authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the holder has been specifically designated to conduct such services and the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for this authority.

- (5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (7) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n), it must first comply with the requirements of 14 CFR 204.5.
- (9) In the event that the holder commences operations for which it was found "fit, willing, and able," and subsequently ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may not recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

This certificate shall become effective November 17, 1997, provided, however, that prior to the date on which the certificate would otherwise become effective, the Department, either on its own initiative or upon a timely filing of a petition for reconsideration of the order issuing this certificate, may by order or orders extend such effective date from time to time. It shall expire five years thereafter, unless the Department earlier suspends, modifies, or deletes the authority.

*This certificate, issued by Order 92-3-48, is reissued to reflect renewal of authority in the Washington, D.C.-Milan/Rome market for an additional five years. The reissued certificate also deletes obsolete terms and conditions, and incorporates revised standard terms and conditions applicable to U.S. carriers.

United Air Lines, Inc.

Renewal of Certificate for **Route 632**

Filed: 1/7/97 **Docket:** OST-97-2046 **Notice:** 62 FR (2710 & 2711) 1/17/97

I. Authority Sought: Renew segments 1 and 6 of Route 632 to provide scheduled foreign air transportation of persons, property, and mail between various named points in the United States and Sao Paulo, Rio de Janeiro, Brasilia, and Belem, Brazil; Barranquilla, Colombia; and Buenos Aires, Argentina.

II. Relevant Currently Held Authorities: United holds certificate authority on Route 632 (segments 1 and 6) to provide scheduled foreign air transportation of persons, property, and mail on the above route. Under the terms of the certificate, United's authority on segments 1 and 6 expired on July 10, 1997. United filed a timely application for renewal and its authority has remained in effect pursuant to the provisions of the Administrative Procedure Act, 5. U.S.C. 558(c) pending action on its renewal application.

III. Pleadings: No answers were filed.

IV. Public Convenience and Necessity: The authority requested is consistent with the aviation agreements between the United States and Brazil, the United States and Colombia, and the United States and Argentina.

V. Fitness/Citizenship: United has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property and mail as a certificated carrier under section 41102 Title 49 U.S.C. See, e.g., Order 97-1-10. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question United's fitness to conduct the air transportation operations authorized here.

VI. Terms, Conditions and Limitations: Standard. We will amend United's certificate for Route 632 to reflect renewal of the authority on segments 1 and 6 for an additional five years.

VII. Duration: Five years. Section 41102(c).

United Air Lines, Inc. for **Route 632**

Amend condition (3) to read as follows:

(3) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the holder has been specifically designated to conduct such services and the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.

Amend condition (10) to read as follows:

(10) The following authority shall expire November 17, 2002,

- a. Segment 1: Sao Paulo, Rio de Janeiro, Brasilia, and Belem, Brazil;

Barranquilla, Colombia; and

Buenos Aires, Argentina.
- b. Segment 6: Rio de Janeiro, Brazil

*As amended by
Order 97-10-8
Route 632
Page 2 of 2

This certificate amendment shall become effective November 17, 1997,
provided, however, that prior to the date on which this certificate would otherwise
become effective, the Department, either on its own initiative or on the timely filing of a
petition for reconsideration, may by order or orders extend such effective date from time
to time.

*This certificate, issued by Order 92-7-9, is amended to reflect renewal of the carrier's authority on
segments 1 and 6 for an additional five years. It also incorporates revised standard terms and conditions
applicable to U.S. carrier certificates.